

PEOPLE WITH DISABILITIES AND PUBLIC SERVICE: A PHENOMENOLOGICAL APPROACH OF GOVERNMENT AGENCIES IN JAKARTA

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ABSTRACT

This study aims at answering the questions on how the government agencies provide services to people with disabilities and what has been done in an effort to improve public services, especially for people with disabilities. Phenomenological Approach was employed in this study to understand how participants experienced the phenomenon. Data collection was obtained from semi structured interviews. The research proved that up to the present time, the public service for persons with disabilities in government institutions is still very low in performance, even though the government is an institution that issues laws to carry out equal treatment to persons with disabilities and prohibits discrimination. This research also explores information regarding what efforts must be made to improve public services in government agencies. This study recommends future research which relates to training of employees of government agencies in providing good services to persons with disabilities with a different approach.

KEYWORDS: People with Disabilities, Public Service, inequality, discrimination

INTRODUCTION

Public understanding of disability and persons with disabilities is closely related to the discriminatory behavior that they experience in their daily lives has been conveyed by a variety of writings, research and reports in various places in this world. Some of these documents have reached international scientific publications, for example in research in Uganda (Katsui, 2008; Katsui & Kumpuyuri, 2008); in Zambia (Katsui & Koistinen, 2008); in South Africa (Heap, Lorenzo, Thomas, 2009), in Thailand (Naemiratch & Manderson, 2009); in Sweden (Krogh, 2010), in the United States (Schwartz et al., 2010); among Indians who have settled in the United States (Buckingham, 2011), in Ghana, (Naami & Hayashi, 2012). In addition, research or reports submitted in the international academic community on disability and persons with disabilities in Indonesia (Byrne, J., 2002; Widinarsih 2012; Suharto, S., P. Kuiper, & P. Dorset, 2016; Widinarsih, 2017).

According to UNCRPD, disability is the result of an interaction between the limitations of individual functions (mobility, vision, hearing, and communication) with environmental conditions that hinder active and effective participation in society. This means that individuals with impaired functions will become disabilities when faced with environmental barriers (disabled), such as inaccessible facilities, unavailability of assistive devices or negative public perceptions. In other words, disability is not the

same as a medical diagnosis that explains the condition of limited function, but rather explains how individuals can function in their environment.

The impact of disability in various sectors has made it a complex phenomenon: when the needs of individuals with limited functions cannot be accommodated by their environment (barriers), then access to public services will be limited and will hamper participation of persons with disabilities, especially in socio-economic activities. The low level of participation has implications for high poverty rates which in turn will increase the risk of people with disabilities. Children with disabilities do not get proper education and adults with disabilities do not get the opportunity to work together with non-disabled people, a real example experienced by people with disabilities so far.¹

Minority groups everywhere are very close to discriminatory treatment. Discriminatory actions in the form of words and actions. One part of the existing minority group is a group of people with disabilities. The data shows the number of disabilities in Indonesia currently reaches 12 percent as a survey conducted by the Central Statistics Agency (BPS).

Demands for the rights and provision of physical and non-physical accessibility facilities and infrastructure for persons with disabilities have often been voiced by activists of Disabled People Organizations. Some rights have been sought and realized by the government, such as: the construction of special schools, the construction of facilities in several buildings, and translators. The 1945 Constitution of the Republic of Indonesia (1945 Constitution) which adds Article 28 I-28 J concerning Human Rights, which in the original text regulates the rights of citizens. These rights are detailed namely, 1) the right to accessibility, 2) the right to life, 3) the right to obtain guarantees for the protection and safety of persons with disabilities in risk situations, including situations of conflict, armed, humanitarian emergencies, and the occurrence of natural disasters, 4) rights for equality of recognition before the law, 5) the right to access justice, 6) the right to freedom and security, 7) the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, 8) the right to freedom from exploitation, violence and abuse, 9) the right to respect for mental and physical integrity on an equal basis with others, 10) the right to obtain and change citizenship, 11) the right to live independently and be involved in society, 12) the right to personal mobility, 13) the right to freedom of expression and opinion as well a) access to information, 14) the right to respect for privacy, 15) the right to respect for home and family, 16) the right to education, health, rehabilitation and rehabilitation, 17) the right to work and work.

However, until now, people with disabilities in Indonesia still experience difficulties in obtaining various accesses. One of the important accesses for persons with disabilities as is the case with other

¹ Report on “Persons with Disabilities in Indonesia: Empirical Facts and Implications for Social Protection Policies” (Disabilities in Indonesia: Empirical Facts and the Implication for the Social Protection Policy), this was initiated by Arbeiter-Samariter-Bund Indonesia & Philippines in the framework of Consortium Program of Technical Assistance and Training Teams (TATTs) and supported by USAID.

citizens is access to public services. We often see people with disabilities have to wait and queue for a long time because there is no special service channel for people with disabilities. Even when going to ride public transportation, people with disabilities often experience difficulties because there are still many public vehicles in Jakarta that are not yet friendly to them.

This study aims at answering the questions on how the government agencies provide services to people with disabilities and what has been done as an effort to improve public services, especially for people with disabilities.

LITERATURE REVIEW

Public Service

Some experts who provide an understanding of public services include Agung Kurniawan (2005: 6), said that public service is the provision of services (serving) the needs of other people or people who have an interest in the organization in accordance with the basic rules and procedures established. Ratminto (2005) defines that public services or public services can be defined as all forms of services, both in the form of public goods and public services which are principally the responsibility and implemented by government agencies at the central, regional, and environment of State-Owned Enterprises or Regional-Owned Enterprises, in the context of meeting the needs of the community and in implementing figures of statutory provisions.

Every Public service delivery must have service standards, as a guarantee of certainty for the giver in carrying out their duties and functions and for recipients of services in the process of filing their requests. Service standards are standardized standards in the administration of public services as guidelines that must be adhered to and implemented by service providers, and serve as guidelines for service recipients in the submission of requests, as well as a tool for public control and / or service recipients of the performance of service providers. Therefore, it needs to be set service standards in accordance with the nature, type and characteristics services that are held and pay attention to the environment. In the formulation and drafting process, it involves the community and / or other stakeholders (including bureaucratic apparatus) to obtain advice and input and build awareness and commitment. According to the law No 25/2009, public services are said to be good if they fulfill the principles of public interest:

1. Legal certainty,
2. Equal rights and obligations,
3. Professionalism,
4. Participative,
5. Equality of treatment / non-discrimination,
6. Openness,
7. Accountability,

- 8. Special facilities and treatment for vulnerable groups,
- 9. Accuracy and speed of time,
- 10. Ease and affordability.

Thus, it is clear that public services should still pay attention to justice and be friendly to people with special needs such as people with disabilities as one of the vulnerable community groups in addition to women and children. For clarity, you can see the following picture.

Figure 1
The Quality of Public Service



Source : UU No 25/2009 on Public Service

Public services or public services can be defined as all forms of services, both in the form of public goods and public services which in principle are the responsibility and are carried out by government agencies at the central, regional, and in the environment of State-Owned Enterprises or Regional-Owned Enterprises, in the context of meeting the needs of the community and in the context of implementing the provisions of the legislation. Therefore public bureaucracy is obliged and responsible to provide good and professional services.²

Developed countries in Europe and America in the implementation of the latest public services have referred to the paradigm of public service "New Public Service" (NPM), as an ideal public service

² Herry Wibaya, http://eprints.undip.ac.id/23914/1/HERRY_WIBAWA.pdf, accessed 3 January 2020

paradigm. In the NPM paradigm, public administration places more emphasis on the role of society and the public sector towards more pro-market management of public services, so that it becomes a shift from policy and administration to management by adopting private sector management. In this perspective public service practices are based on rational economic considerations. Public needs and interests are formulated as an aggregation of public interests. The public is positioned as customers while the government plays a role in steering the market. In its development this concept is translated that in order to realize quality public services, service standards are needed to ensure the quality of public services.³

The New Public Service (NPS) paradigm. Placing citizens not only as customers but at the same time the community is seen as citizens who have the right to get quality public services from the state (public bureaucracy). In this concept, public bureaucracy is demanded to change itself from government to governance so that public administration will appear more powerful in explaining contemporary problems that occur in public discussion. In this concept, the public bureaucracy does not only involve elements of government but all issues related to public affairs and public interest.

Access of People with Disabilities to Public Services

If related to the context of public services, public service providers must ensure that all aspects of public services must be able to be reached by people with disabilities, starting from policies, physical accessibility, to operational standards. Accessibility, as outlined in Law No. 4/1997 on Persons with Disabilities, is the convenience provided for "people with disabilities" to realize equal opportunities in all aspects of life and livelihood. More comprehensively, these basic regulations on accessibility are listed in the UN Convention on the Rights of Persons with Disabilities (CRPD) which was ratified by Indonesia on 18 October 2011. Article 9 paragraph 1 of the Convention states:

In order for persons with disabilities to live independently and participate fully in all aspects of life, just like other citizens, the state must take appropriate steps to ensure access for persons with disabilities to the physical, transportation, information and communication environment, including information and communication systems and technologies, and access to other facilities and services available to the public, both in urban and rural areas. These steps, which must include the identification and removal of obstacles and accessibility barriers, include but are not limited to:

- (a). Buildings both private companies and government buildings, roads, transportation facilities, and other indoor and outdoor facilities, including schools, housing, medical facilities, and workplaces;

³ Agus Widiyarta, Health Services from the perspective of Participatory Governance (A Case Study of Community Participation in Health Basic Service in Surabaya), Dissertation for Doctoral Program in Administration Sciences, Faculty of Administration Sciences, Malang, Universitas Brawijaya, 2012, h. 4.

- (b) Information, communication and other services, including electronic services and emergency services.

Obstacles encountered by persons with disabilities (Tarsidi, 2012):

(a) Architectural Constraints

Architectural barriers affect three main categories of disabilities, namely: physical disabilities, which include those in wheelchairs, semi-ambulances, and those who have manipulative resistance, are difficulty in moving muscles; sensory disabilities which include the blind and deaf; intellectual disability (mental retardation).

(b) Architectural barriers for the visually impaired

Difficulties faced by the visually impaired as a result of architectural design so far include the absence of directions or traits that can be heard or seen with limited vision that shows the number of floors in high rise buildings. Small obstacles such as windows that open to the outside or billboards installed in pedestrians, dazzling or too dim light, elevator that can be touched to distinguish various buttons, or voice instructions to indicate the floor number.

(c) Problems faced by hearing impaired people

It is not possible for people with hearing impaired to understand announcements through loudspeakers at airports or public transport terminals. They also have difficulty reading lips in the auditorium with poor lighting, and they may not be able to hear the alarm.

(d) Difficulties of mental retardation.

People with intellectual disabilities will have difficulty finding a way in a new environment if there are no clear and standard directions. Therefore, the addition of signs or other environmental guidelines should use a standardized format.

(e) Obstacles to obtaining service

Until now, there are still many government and private agencies that have not provided special channels to serve people with disabilities. Persons with disabilities even have to wait in line to wait their turn together with the general public.

- In public service offices such as Banks, Post Offices, Tax Payment Offices, not even all employees are aware of the importance of giving special attention to persons with disabilities. There is no specific path in service to persons with disabilities.
- On public transportation. There are still many public transportation in Jakarta today that are not yet friendly to people with disabilities, especially for those with wheelchairs and the visually impaired. In terminals or train stations in general there are no instructions that read the Braille.

(f) Internal Obstacles

So far we have focused attention on access barriers originating from outside individuals with disabilities (external barriers). Other barriers are internal barriers which can include: Lack of confidence; Do not have good communication skills; Lack of mastery of alternative techniques to overcome limitations due to disability; (For the visually impaired, alternative techniques are special methods (both with and without special aids) that utilize non-visual senses or residual visual senses to carry out an activity that is normally carried out with the sense of sight). Not able to present themselves properly (poor grooming and dressing); Inadequate mastery of general knowledge.

The above barriers, coupled with the general lack of public understanding of the special needs of persons with disabilities, can greatly reduce people's respect for people with disabilities so that the attention given is greatly reduced.

Inequality and Discrimination towards People with Disabilities

According to the Oxford and Collins dictionaries on Sociology, "Discrimination" is defined as "the process by which a member, or members, of a socially defined group is, or are, treated differently (especially unfairly) because of his/her/their membership of that group. This unfair treatment arises from socially deprived beliefs each group holds about the other, and patterns of dominance and oppression, viewed as expression of a struggle for power and privilege. According to Wallace and Wallace," Discrimination involves treating someone differently because of his or her group membership or social status.

Discrimination against people with disabilities is one of the worst social stigmas that society has not been able to overcome.⁴ 'Women, men and children with disabilities are too often amongst the most marginalized in all societies and face unique challenges in the enjoyment of their human rights'.⁵

Public services in Indonesia tend to have some basic problems. In addition to the effectiveness of organizing and public participation in the delivery of services is still relatively low, public services also do not yet have a mechanism for complaints and dispute resolution. As a result, the quality of service products has also not satisfied its users. Public services in Indonesia are also not yet responsive to the public, especially those with special needs, namely people with disabilities. Public services in terms of availability of public facilities such as schools, hospitals, offices, recreation areas, hotels, post offices, terminals, public telephones, banks and other places do not yet have accessibility for people with disabilities⁶

⁴ Scholasticus (2009) www.buzzle.com

⁵ Pillay (2010) www.ohchr.org . Pillay states that 'for a long time it was assumed that such challenges were the natural and unavoidable consequence of their physical, mental, intellectual or sensory impairment'.

⁶ Sinambela, Lijan Poltak,dkk. 2006. *Reformasi Pelayanan Publik*. Jakarta:Bumi Aksara

Disability accessibility promised by the government in Act No. 4 of 1997 in practice still does not facilitate access to their movements. Some public facilities that were built by considering the disabled even in their implementation still made it difficult for them. Even places of worship are still not friendly to the existence of persons with disabilities. Discrimination against persons with disabilities in the field of public services takes many forms such as lack of physical accessibility, impartial policies, and no operational standards in the delivery of public services that target persons with disabilities. Discrimination against persons with disabilities is often influenced by the views of policy makers who still maintain the traditional paradigm and the medical paradigm in viewing persons with disabilities.

The Disability Act Article 53 paragraph (1) and paragraph (2) states (1) the Government, Regional Government, State-Owned Enterprises, and Regional-Owned Enterprises must employ at least 2% of persons with disabilities from the number of employees or workers. (2) Private companies must employ at least 1% of people with disabilities from the number of employees or workers.

Acceptance of prospective employees or employees is one of the points that requires that applicants must be physically and mentally healthy and look attractive. Usually these requirements are written without explanation, so the meaning is very general. The meaning of physical health can be interpreted that apart from a person having no physical deficiencies, he is also free from all diseases. While spiritually healthy can also be interpreted not only mentally healthy (psychic) but also morally healthy.

While looking good, you should be neat without any shortcomings. This is of course very discriminating against persons with disabilities to get decent work such as non-disabled workers. Regulations that are prohibited from discriminating against people, especially persons with disabilities, are already regulated in human rights law, but even though these regulations exist and are still in effect today, many persons with disabilities feel they are being treated with discrimination. The existence of persons with disabilities has not yet been fully recognized, even not infrequently persons with disabilities do not get employment opportunities in companies because of their physical condition. People with disabilities for some people, one of them a businessman, is still seen as someone who cannot work well and does not have expertise.

Article 28I paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that "every person has the right to be free from discriminatory treatment on any basis and has the right to get protection against such discriminatory treatment"

RESEARCH METHODS

Phenomenology is known as a educational qualitative research design (Ponce, 2014; Creswell, 2013, Marshall & Rossman, 2010). The philosophical basis of qualitative investigation stems from

phenomenology (as a philosophy), from hermeneutics and from existentialism (Lucca Irizarry and Berríos Rivera, 2013). Therefore, qualitative research is contextualized in different philosophical paradigms which center on diverse conceptions of reality (Guba & Lincoln, 2000; Denzin & Lincoln, 2008). According to these authors, the main philosophical paradigms are: positivist, post-positivist, critical theory, constructivism and post-modernism.

Phenomenological research investigates the lived experience of participants with a phenomenon. It is important to clarify the term 'lived experience' to present the scope of this paper. Van Manen (1990) explained the nature of the lived experience in a phenomenological study by offering the following analogy. Based on van Manen's analogy, teacher A who has no experience in teaching as this is her first day on the job has different experiences compared to teacher B who has ten years of experience. The expert teacher forgets the presence of the students during the lecture while the novice teacher feels the glance of the students. According to van Manen, the novice teacher is constantly aware of her own experience on the first day of school. However, the expert teacher is unaware of her acts during the lecture because she is used to lecturing and behaves more spontaneously. This analogy presents a lived experience, showing differences between two people experiences in the same event. The lived experience can be a starting point in a phenomenological study, as it identifies teacher's feelings on the first day of class. Therefore, Phenomenological studies start and stop with lived experience and it should be meaningful and significant experience of the phenomenon (Creswell 2007; Moustakas, 1994. van Manen, 1990).

Phenomenology as a methodological framework has evolved into a process that seeks reality in individuals' narratives of their lived experiences of phenomena (Cilesiz, 2009; Husserl, 1970; Moustakas, 1994). Phenomenology includes different philosophies consisting of transcendental, existential, and hermeneutic theories (Cilesiz, 2010). While transcendental philosophy is often connected with being able to go outside of the experience, as if standing outside of ourselves to view the world from above, existential philosophy reflects a need to focus on our lived experience (Ihde, 1986; Langdrige, 2007). On the other hand, hermeneutic phenomenology emphasizes interpretation as opposed to just description. This study used the transcendental phenomenological framework developed by Edmund Husserl who provided the basis for phenomenology (Moustakas, 1994).

Creswell (1998) posits that the best criteria to determine the use of phenomenology is when the research problem requires a profound understanding of human experiences common to a group of people. The author suggests that the studied group should consist of 3 to 15 members. The members of the group need to be able to articulate their lived experiences. The more diverse the experiences of participants, the harder it will be for the researcher to find the underlying essences and common meanings attributed to the studied phenomenon. The role of the phenomenological investigator or researcher is to "construct" the studied object according to its own manifestations, structures and components (Ponce, 2014).

The participants for in depth interview consists of 11 people namely 10 individuals with physical disabilities (4 people with the wheelchairs, 3 with visual impaired and 3 with hearing impaired) to get their perspectives on what they experienced so far in public service. An interview was also conducted to a leader of a disabilities concerned NGO to get the perspectives on what policies and actions should be taken by the government in order that people with disabilities can get equal treatment in public service.

FINDINGS AND DISCUSSION

From interviews conducted with persons with disabilities, data were obtained that 4 persons with wheelchair disabilities still had to face a companion. This is because public places in Jakarta are less friendly to people with disabilities. Transportation problems for example, there are still many city buses that do not provide wheelchair space provided. It is accessible only in big cities. For example. Unfortunately, not everyone has the financial ability to spend money in a large mall. Most of them prefer to shop at traditional markets.

“ ...especially for wheelchair users, bus stop conditions are often difficult. The elevation can be more than 7 degrees. Although the residents often helped, the ramp provided was too extreme for wheelchair users. Finally, wheelchair users never use the available stops. And most people with disabilities use modified motorbikes, because it is difficult to access public transportation. ”

For the visually impaired, in general they have difficulty riding public transportation because very rarely there are announcements or audio information at Trans Jakarta stations and bus stops. While for people with hearing impairment information with sign language can only be found on certain public vehicles which are generally located in the city center.

“We often worry when riding public transportation, because we cannot hear the announcement. Several times we got on the wrong vehicle because at that time the route was being diverted to another destination and there was no information in a language that we understood. ”

In public places, whether terminals, train stations, airports or even in malls, there are still many that are not yet equipped with braille letters, for example in the escalator, or elevator. This is also the reason why persons with disabilities in Indonesia, especially Jakarta, still feel that their rights have not been fulfilled. In addition to obstacles in access to public transportation, it turns out that persons with disabilities also experience discriminatory treatment related to public services.

“I experienced difficulties when opening an account at a bank. Though, I have come to a bank that is quite large and famous, but none of the explanations are in braille. Indeed they help read the procedures and rules, but when we are asked to sign something there should be a braille letter confirming the contents of the information. ”

In addition, the difficulty experienced by persons with disabilities in Jakarta is when they come to government agencies to pay contributions for the Building Land Tax (PBB) at the Regional Revenue Agency (Bapenda) in the service center. Since the morning waiting in line, he was left standing by officers.

“There are no friendly duty officers on the disability visitors either, so we also have difficulty finding information. Not only that, the toilet facilities are still standard. The toilets available are still public toilets and there are no special toilets for persons with disabilities. As a result, visitors with disabilities still struggle when going to the toilet. ”

From interviews conducted with persons with disabilities, data were obtained that the architectural design of government and private buildings in Jakarta, in general, were still not friendly to people with disabilities (Tarsidi, 2012). In addition, public service offices, including their officers, do not have the awareness to provide services to persons with disabilities. There are still many officers who do not understand how to provide special facilities to people with disabilities, let them queue for too long, do not provide seats. This is not in accordance with what is stated in Law Number 25/2009 regarding Public Services.

From the interviews with NGO representatives, data were obtained that through Law Number 8 of 2016 concerning Persons with Disabilities, the government urged all parties to fulfill the rights of persons with disabilities. In the Ministry level office itself, there are four pillars which are the main foundation to fulfill the rights of persons with disabilities; social rehabilitation, social empowerment, social protection, and social security. But unfortunately the application is not optimal. Until now, many public and private facilities have been built with important principles, only to fulfill the obligations of Law No. 8 of 2016 concerning Persons with disabilities. UU no. 25 of 2009 concerning Public Services. In this Act it is stated that public service providers must be fair and not discriminate in providing services. Article 29 emphasizes that public service providers must provide special services for persons with disabilities. Likewise, Law No. 28 of 2002 concerning Buildings. This law emphasizes that public facilities must be accessible to persons with disabilities, such as entrances and exits, horizontal connecting spaces, vertical links within buildings, vertical transportation, and access to information. Because if not, first, the government will be categorized doing human rights violations, because the government neglects discrimination, is unwilling to correct, and denies its responsibilities. Secondly, the government does not comply with existing legal provisions. Existing provisions mean violated or not carried out properly. At present, public services for persons with disabilities in Jakarta have not treated people with disabilities fairly. Discriminatory attitudes are still very visible and there are still many employees or staff who do not understand how they should provide professional and quality services as stated by the Law No. 25/2009 on Public Service.

CONCLUSION

From the data analyzed above, we can conclude that up to now people with disabilities in Jakarta have not received fair treatment in various public services. Much remains to be improved, not only in terms of infrastructure, but staff as community servants must be equipped with knowledge about services for persons with disabilities. For future research, researchers recommend that research be conducted that focuses on employee competencies in public service offices with a different approach.

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